

Department of Public Health and
Human Services (DPHHS)

Health Insurance Portability and Accountability Act ("HIPAA") Privacy Policy

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Revised Date:

Policy Title:	Client Privacy Complaint Process		
Policy Number:	011	Version:	1.0
Approved By:			
Date Approved:			

Purpose:

This policy addresses the mechanism by which complaints from clients regarding privacy are received, resolved, and documented.

Policy:

DPHHS will maintain a process by which client complaints regarding DPHHS's handling of Protected Health Information ("PHI") will be received at the State, documented and resolved if possible.

The DPHHS Privacy Officer will determine how client complaints about privacy will be received by the State. A central mailing address will receive all written complaints.

Verbal and telephone complaints will be referred to the Privacy Officer, who will attempt to solve the problem.

If the problem cannot be immediately solved, the client should be asked if he/she would like to file a formal complaint. If so, they will be encouraged to use the PHI Complaint form, available at all county eligibility offices. If the client requests, a form will be mailed to him/her.

Complaints must focus on how employees of the State or Business Associates of the State have violated policies and procedures relating the uses and disclosures of PHI.

Complaints related to other covered entities' uses and disclosures of PHI will be referred to the Office for Civil Rights. Complaints related to other business practices, not related to HIPAA privacy, will be referred to the appropriate program or management staff that can resolve the complaint.

Written complaints, received by the Privacy Officer, will be kept in a separate complaint file. In most cases, the Privacy Officer will make contact with the complainant to see if an immediate resolution to the problem can be developed.

Complaints regarding personnel will be referred by the Privacy Officer to the appropriate management staff for resolution. The Privacy Officer will follow up with that management staff to assure that the problem has been resolved.

Resolutions to problems will be documented on the complaint form. Either a copy of that form or a letter of explanation will be sent to the complainant.

The complainant will be notified verbally or in writing that he/she has a right to file a written complaint to the Office for Civil Rights or the Department of HHS.

The file of complaints and resolutions will be kept for a period of 6 years and 3 months.

Procedure:

Montana Chemical Dependency Center will follow the above State of Montana policy regarding complaints of how PHI is released.

Procedure added 3/5/2003 MKH